



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL BARRETT,

Defendant.

No. CR 05-00077 JW

~~PROPOSED~~ ORDER CONTINUING
HEARING AND EXCLUDING TIME

The parties have stipulated to continue the hearing date on the defendant's pending motion on grounds that defense counsel is not available on September 12, 2005. The parties request that the hearing be continued to September 19, 2005, at 1:30 p.m.

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date on the defendant's motion is continued to September 19, 2005.

Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time from September 12, 2005 to September 19, 2005, be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

IT IS SO ORDERED.

Dated: August 26, 2005

/s/ James Ware

JAMES WARE

United States District Judge